

REMARKS

In this Communication, the Examiner asserts that Applicants' Communication mailed November 21, 2006 is non-responsive to the prior Office Action because Applicants failed to elect a Species upon election of Group III, as listed on page 5 of the Restriction Requirement.

Applicants respectfully submit that the failure to elect an asserted species was unintentional. The Examiner had set out a list of species of bacteriocin sequences SEQ ID NO: 1, 2, 3, and 4, which apply to claims 14, 16, 19 and 21.

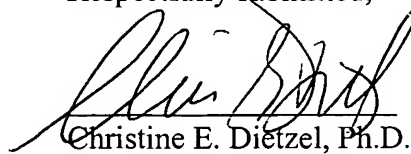
Applicants have previously elected Group III with traverse, particularly requesting that the Examiner examine Group IV along with Group III. With respect to elected Group III, claims 12, 13, 17 and 18 are generic, and the species SEQ ID NO: 1, 2, 3 and 4 are set out in claims 14 and 19. Responsive to the Requirement, Applicants elect the species of SEQ ID NO: 2, which corresponds to a processed and active microcin E492, with traverse. This species election of SEQ ID NO: 2 would also apply to Group IV, and its claim 16, should the Examiner agree to examine both of Groups III and IV as previously requested and argued by Applicants.

CONCLUSION

No fees are believed to be necessitated by the foregoing Response. However, should this be erroneous, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or credit any overages.

In view of the above, acceptance of this Reply as fully Response to the Requirement for Restriction is requested, and early action on the merits of the claims is courteously solicited.

Respectfully submitted,



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Date: February 28, 2007